

Comparative Analysis of Soviet and Chinese Constitutions: A Study of Divergent Paths of Communist Administration

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Introduction

Throughout recorded history, words and authority have been the primary tools wielded by rulers to shape societies, enforce policies, and control populations that are often diverse in ethnic backgrounds. From the Code of Hammurabi to the Magna Carta, and to the United States Declaration of Independence, written documents have dictated the course of history and defined the boundaries of power. In the modern era, constitutions have become the foundational documents through which states present and enforce their principles, structure their governments, and direct the rights and responsibilities of their citizens.

The Soviet Union and the People's Republic of China (PRC) share a common but broad similarity, which is their centralized authoritarian leadership and communist-centered beliefs. In general, communism is the foundational idea in the establishment of the countries' respective parties, serving as an ideological backbone for the establishment of a rule of power. Additionally, there arose a parallel cult of personality surrounding Premier Stalin and Chairman

Mao during their respective reigns that defined much of the social-political processes observed through the 1930s and 1970s.

This study explores the constitutions of two of the most influential communist regimes of the 20th century—the Soviet Union and the People's Republic of China (PRC). Despite the shared communist fundamental beliefs of the Soviet Union and China, there exist several constitutional differences in the governmental administration of the two countries following their respective revolutions, resulting from their distinct historical contexts, government structures, and socio-political challenges.

Administrative differences arise from distinct historical contexts.

The October Revolution of 1917, led by the Bolsheviks under the leadership of Vladimir Lenin, was a pivotal event in Russian history that spearheaded a worldwide communist movement throughout the 20th century. This revolution marked the overthrow of the Provisional Government from the February Revolution of the same year and the establishment of Soviet rule, or the rule of the Bolsheviks.¹ Following the revolution, the Bolsheviks established a socialist federal state, consisting of Russia, Ukraine, Belorussia, and the Transcaucasian Soviet Federated Socialist Republic (made up of Armenia, Azerbaijan, and Georgia). A treaty of union was signed and led to the formation of a Second Congress of Soviets that ratified the 1924 Constitution, the first constitution of the Soviet Union, or the Union of Soviet Socialist Republics (USSR). This constitution provided the new republics with sovereignty

¹ T. Editors of Encyclopaedia, "October Revolution," Encyclopedia Britannica.

and solidified the Communist Party of the Soviet Union's control over the government and economy, laying the groundwork for future political processes.²

Joseph Stalin's rise to power in the 1920s brought significant changes to Soviet governance. As he solidified his control, the deeply intertwined political climate within the government and objectives of the time led to the adoption of a new constitution in 1936. The 1936 Constitution, also known as the "Stalin Constitution," reorganized the government structure and consolidated Stalin's authoritarian rule, ensuring his dominance over both the party and the state. Despite Stalin's totalitarian regime, the union was constitutionally a federation, due to the diverse ethnic makeup and cultural variety within the Soviet Union, although in practice, the centralized control under Stalin's leadership limited the autonomy of these regions.

China, however, followed a different path on its road to drafting a constitution. Despite China's eventual victory in the Second Sino-Japanese War from 1937 to 1945, the conflict exposed great weaknesses in the social, political, and economic sectors of the nation. The Japanese capitalized on the decentralized state of the nation, as well as the chaos and lack of cohesion throughout the nation due to the split between the Communist Party and Nationalist Party, which had been in constant fighting since 1927 for the control of mainland China.

The end of the Chinese Civil War between the Communist Party of China led to the establishment of the PRC as the dominant power in mainland China, and the founding of the PRC by Mao on October 1, 1949, established a new era of communist rule. The newly

² Federal Research Division, "Russia: a country study," Library of Congress, 386.

established Chinese People's Political Consultative Conference drafted a provisional constitution called the Common Program.³ The new government immediately took on significant reforms, including land redistribution and the nationalization of industry, aiming to transform Chinese society and economy aligned to socialist principles. In 1954, the Common Program constitution was replaced by the 1954 Constitution of the PRC, the first of its kind, which reflected Mao's vision for China. Due to the relative ethnic homogeneity of the country, the constitution established a unitary state structure with multi-national elements and emphasized the leading role of the Communist Party in all aspects of governance.

As a result of the distinct historical contexts from which these two constitutions arose, the governance structures of the Soviet Union and the People's Republic of China developed unique and divergent characteristics. The Soviet Union's constitution was characterized by a highly centralized yet constitutionally federal system, where real autonomy was limited by Stalin's authoritarian rule. In contrast, China's constitution established the PRC as a unitary state under the Communist Party's leadership. However, despite these differences, both nations adhered to the core communist principle of a provisional government in the socialist stage of communism, in which an authoritarian leader is required to administer a central government that guides the people into the ultimate state of communism.

Administration differences arise from differing constitutional policies.

The differing roles of the party in the government play a major role in defining the differences in political processes between the two nations.

³ Franklin Houn, "Communist China's New Constitution," 199.

The 1936 Constitution of the Soviet Union explicitly delegates the Communist Party's central role in guiding the nation. Article 126 states that the Communist Party of the Soviet Union "is the vanguard of the working people in their struggle to strengthen and develop the socialist system and is the leading core of all organizations of the working people, both public and state."⁴ The term "vanguard" signifies a position in which an advancement is to be made, perhaps an entity that spearheads social, political, and economic development, implying that the Communist Party is at the forefront of the efforts of the "working people" exclusively. The phrase "struggle to strengthen and develop" indicates ongoing efforts and potential challenges in maintaining and enhancing the socialist system, as well as conveying the dual responsibilities of the Party: to consolidate existing socialist achievements (strengthen), and advance further socio-economic progress (develop). This ultimately reveals the party's "dominant core" as the principal ruling entity within the union; the distinction between public and state organizations further shows the Party's reach and scope of influence into both state and civil society entities.

In contrast, the PRC follows a different approach to delegating power to the Communist Party of China. The preamble states that "in the course of the great struggle to establish the People's Republic of China, the people of our country forged a broad people's democratic united front, composed of all democratic classed, democratic parties and groups, and popular organizations, and led by the Communist Party of China... (which) fulfill[s] the fundamental task of the stage during the transition and to oppose enemies within and without."⁵ The heavy emphasis on democracy and popular sovereignty demonstrates the Communist Party of China's

⁴ Joseph Stalin, "Constitution (Fundamental law) of the Union of Soviet Socialist Republics," Article 126.

⁵ National People's Congress, "Constitution of the People's Republic of China," Preamble.

strategic approach to building legitimacy and strengthening support by highlighting the involvement of various social classes and organizations in political processes. The formation of the “people’s democratic united front” therefore serves as an indirect way for the Communist Party of China to consolidate its leadership and unify diverse social forces. It simply states its fundamental role as a guide, with implied powers, as opposed to the Soviet constitution that directly articulates the Communist Party's vanguard role and centralized control over all state and public organizations.

While both the Soviet and Chinese constitutions highlight the people's rights to rest, universal suffrage, and freedom of speech, their differing expectations of citizens in socio-economic reforms and movements contribute to other variations in constitutional administration.

The 1936 Soviet Constitution highlights a top-down state-directed approach to economic planning. Article 11 states that “[t]he economic life of the U.S.S.R. is determined and directed by the state national economic plan with the aim of increasing the public wealth, and improving the material conditions... and cultural level, [to consolidate] the independence of the U.S.S.R. and [strengthen] its defensive capacity.” Article 12 additionally states that “work is both a duty and an honor for every able-bodied citizen.”⁶ In the Soviet Constitution, the role of citizens in economic life is primarily framed within the context of state-directed goals, with less emphasis on direct citizen participation in managing these processes.

⁶ Stalin, “1936 Soviet Constitution,” Articles 11 & 12.

In contrast, the PRC employs a bottom-up approach where citizens are integral to the governance process. Articles 2 and 3 of the Constitution of the PRC state that “all power in the People’s Republic of China belongs to the people,” and “the state institutions of the People’s Republic of China shall practice the principle of democratic centralism,” respectively.⁷ In practice, all constitutional power is consolidated in the National People’s Congress, which is the only branch of government, adhering to the Communist principle of unified power, while also practicing democratic centralism, which combines democratic participation and central authority. The National People’s Congress and local congresses are meant to reflect this principle of democratic centralism by involving the broad participation of the citizens of the PRC while ensuring central control. Therefore, the key difference between the two constitutions lies in the degree to which citizens are involved in governance and political activity, with the Soviet Union following a top-down approach, and the PRC following a bottom-up approach.

Socio-political challenges contribute to

The Soviet Union faced significant and radical changes in its years under the leadership of Joseph Stalin, who departed from Lenin’s ideas of collective leadership and flexibility in exchange for authoritarian dictatorship and intensive collectivization, ultimately impacting the creation of the 1936 Constitution that pushed for central state control over all sectors of the union. Stalin’s policies, including the ambitious Five-Year Plans, aimed at rapid industrialization and the collectivization of agriculture, drastically transforming the Soviet economy and society, accompanied by the purchase and widespread usage of modern machinery in manufacturing

⁷ National People's Congress, "Constitution of the PRC," Articles 2 & 3.

processes to maximize output efficiency.⁸ However, Stalin's rule was also marked by brutal repression of his political enemies and a need to assert political dominance, culminating in the Great Purge of the 1930s, which targeted perceived enemies of the state and the "counterrevolutionaries,"⁹ including supporters of his main opposition Leon Trotsky, with an estimated death toll of some 700,000 to 1.2 million people.

Despite guaranteeing rights to citizens on paper, the constitution's provisions were overshadowed by the realities of political dominance and centralized authoritarian control, allowing Stalin to solidify his control of the state and the union as a whole. This, eventually, played to the detriment of the union, as the Great Purge removed competent and experienced officers from military ranks, replacing them with inexperienced and unqualified young officers. This combined with poor coordination between ranks resulted in initial heavy losses of Soviet land, equipment, and military personnel in the early stages of Hitler's invasion of the Soviet Union. These failures necessitated reforms and adjustments in the Soviet government structure, including amendments to the constitution to address shortcomings in leadership and operational effectiveness. For instance, the 1944 amendments to articles 14 and 18 "establishe[d] the method of the creation of military formations the Union Republic," which created separate branches of the Red Army for each Soviet Republic.¹⁰ This signified a shift towards a more stable and vigilant military leadership and a recognition of the need for

⁸ University of Waterloo, "The First Five Year Plan, 1928-1932."

⁹ A "counterrevolutionary" is anyone who opposes or resists a revolution. In this context, however, authoritarian regimes led by revolutionary parties like the Communist Party would label political enemies or figures of opposition as counterrevolutionaries in order to justify their suppression and maintain their hold on power.

¹⁰ 10th Session of the Supreme Soviet, "Amendments to the Constitution of the U.S.S.R."

decentralized command structures to improve operational effectiveness and coordination during wartime.

Eventually, the 1954 Constitution was replaced by former general secretary Leonid Brezhnev's 1977 Constitution, which confirmed that "the aims of the dictatorship of the proletariat [have] been fulfilled, the Soviet state has become a state of the whole people... (and that) the leading role of the Communist Party, the vanguard of all the people, has grown."¹¹ The 1977 Constitution sought to present the Soviet state as more representative of the entire Soviet population, not just the working class like previously suggested, while still maintaining the central role of the Communist Party in guiding and controlling all sectors of society. This shift reflected an attempt to stabilize the government and legitimize the party's authority in the post-Stalin era, addressing the need for continuity and adaptation in the face of previous internal challenges, civil grievances, and external threats.

The PRC, however, faced other issues in the years following the CPC's victory in the Chinese Civil War. While the Soviet Union was completely industrialized before the Second World War, the PRC remained an agrarian economy with a mostly peasant population. Unlike the Soviet Union's preestablished industrial base, China's poor and underdeveloped economic landscape posed significant challenges to the leadership, unity, and longevity of the new state, which required different approaches to achieve rapid industrialization and modernization. The most notable attempt at internal improvement was the Great Leap Forward from 1958 to 1962. Unlike Stalin's Five-Year Plan, which achieved relative success at modernization despite its great

¹¹ Leonid Brezhnev, "Constitution (Fundamental Law) of the Union of Soviet Socialist Republics," 10.

costs, the Great Leap Forward was a complete failure at industrializing the nation, due to the poor steel production efficiency and a severe famine that stretched across the whole country, resulting in 15 to 55 million deaths.

The Cultural Revolution was another attempt by Mao to solidify his reign and to remove any potential forms of opposition among the educated, creating a cult of personality among the young Red Guards, which is in parallel with Stalin's purges that aimed to solidify his rule as well. This campaign turned into an extremely violent purge, turning children against their parents, students against their teachers, rooting out intellects and college professors and putting them on public trial, resulting in a death toll ranging from hundreds of thousands to millions, or even tens of millions of people.

The failures of these collective movements and Mao's declining health in the mid-1970s led to the adoption of a new constitution in 1975, a short-lived constitution that was replaced by the 1978 constitution and later the 1982 constitution, which continues to serve as the main constitution in practice today. The notable aspect of the new constitution is its denouncing of rhetoric and policies surrounding the Cultural Revolution, while also restating Mao's contributions and mistakes.¹² It also provided more specific and clearer outlines for voting rights, personal freedom, and the responsibility and function of government organizations, while also introducing freer economic reforms. This signified a stepping away from the blunders

¹² Eleventh Central Committee of the Communist Party of China, "Resolution on certain questions in the history of our party since the founding of the People's Republic of China," 17.

and mistakes in past socio-economic policies and a gradual movement towards democratization and modernization.

Impacts and Legacy

In summary, the constitutions of the Soviet Union and the People's Republic of China, while both being founded upon communist ideology, developed distinct characteristics due to their unique historical contexts, different government structures, and socio-political challenges.

As a result, the relative stability of each constitution and system varied greatly. The Soviet Union, despite its initial successes in industrialization and modernization, ultimately collapsed in 1991 due to the rigidity of its authoritarian government, economic inefficiencies, and inability to adapt to changing global dynamics. The sudden increase in democratization under Gorbachev's rule destabilized communist control, which pushed past the limits of the constitution, exposing its weaknesses in being inflexible and incapable of accommodating political reform.

China, on the other hand, managed to maintain relative stability by continuously adapting its constitution and policies to readdress internal and external challenges, allowing it to transition towards a more market-oriented economy while retaining the central control of the Communist Party, led by former chairman Deng Xiaoping, who opened up the country to allow foreign investment and technology, pushing forth several market-based economic reforms. This ultimately proved to be extremely beneficial to the nation, allowing its economy to flourish and the country to develop into a leading world power in the 21st century.

In practice, however, both constitutions fell short of their ideals. The Soviet Constitution guaranteed various rights and freedoms, but in reality, these were often suppressed under Stalin's authoritarian rule, where public dissent was met with severe punishment in the forms of executions and hard labor in Gulags. Similarly, the PRC's constitution emphasized democratic centralism and the people's rights, but the Cultural Revolution and subsequent political campaigns conversely revealed the harsh reality of political repression and dominant control.

At last, it seems unlikely that these constitutions will reoccur in future revolutions if they are to retain their original forms. However, elements such as the central role of a single party, state control over the economy, and promises of civil liberties that are not fully realized in practice are likely to persist in authoritarian countries such as Russia and China. Future revolutionary movements may adopt and adapt these elements to fit contemporary contexts, reflecting lessons learned from the successes and failures of the Soviet Union and the People's Republic of China.

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